IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 29302 of 2003(L)

PETITIONER:

REGHUTHAMAN. R., S/O. P.RAGHAVAN,
REGHUVILASOM, MAYYANAD P.O., KOLLAM,
(RETIRED ASSISTANT ENGINEER, PUBLIC WORKS
DEPARTMENT).

BY ADV. SRI.C.RAJENDRAN.

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY THE**
   PRINCIPAL SECRETARY TO GOVERNMENT PUBLIC WORKS (B)
   DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. **CHIEF ENGINEER, ADMINISTRATION,**
   THIRUVANANTHAPURAM.

3. **ACCOUNTANT GENERAL (A&E) (AUDIT)**
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) NO. 29302 OF 2003 L

Dated this the 19th day of February,2007

JUDGMENT

This Writ Petition is filed with the following prayers:

"i) To call for the records leading to Ext.P7 and quash the same by the issuance of a writ in the nature of certiorari or any other writ or order or direction.

(ii) To call for the records leading to Ext.P8 and quash the same by the issuance of a writ in the nature of certiorari or any other writ or order or direction.

(iii) To declare that the petitioner is entitled to get the extended period of services for increments time bound higher grade and pensionary benefits.

(iv) To issue a writ in the nature of mandamus or any other appropriate writ order or direction compelling and commanding the respondents to reckon the extended period of service of the petitioner for increment, time bound higher grade and pensionary benefits."

There is no counter affidavit. According to the petitioner, he satisfies all the conditions under Part III to count the services as qualifying services. However, the matter was rejected by a one line order stating that the petitioner is not entitled to any benefit other than pay and allowances for the extended period of service, as per the impugned Ext.P7 order.

For want of any counter affidavit or any instruction, this Court is not in a position to gather the reasonings in the order.

2. Ext.P7 is quashed. There will be a direction to the Government to consider Ext.P5 with notice to the petitioner and pass a speaking order within a period of four months from the date of production of a copy of this judgment.

The Writ Petition is disposed of as above.

(KURIAN JOSEPH)
Judge

ahz/

KURIAN JOSEPH,J.

W.P.(C)NO. OF

JUDGMENT

19th February, 2007